

§ 301.93-3

below -17.8°C . (0°F .) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, or berries listed in paragraph (a) of this section.

(c) Any other product, article, or means of conveyance not covered by paragraph (a) or (b) of this section that an inspector determines presents a risk of spread of the Oriental fruit fly and notifies the person in possession of it that the product, article, or means of conveyance is subject to the restrictions of this subpart.

[58 FR 8521, Feb. 16, 1993; 58 FR 29028, May 18, 1993]

§ 301.93-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing quarantined areas. The Administrator will give written notice of this temporary designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of

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any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The areas described below are designated as quarantined areas:

CALIFORNIA

Los Angeles and San Bernardino Counties. That portion of Los Angeles and San Bernardino Counties in the Rancho Cucamonga area bounded by a line as follows: Beginning at the intersection of North Mills Avenue and Mount Baldy Road; then northeast and north along Mount Baldy Road to its intersection with Barrett Road; then east from the intersection of Mount Baldy Road and Barrett Road along an imaginary line to the Joe Elliot Tree Memorial; then southeast from the Joe Elliot Tree Memorial along an imaginary line to the north end of Etiwanda Avenue; then southeast and south along Etiwanda Avenue to State Highway 30; then west along State Highway 30 to Rochester Avenue; then south along Rochester Avenue to Baseline Road; then west along Baseline Road to Milliken Avenue; then south along Milliken Avenue to State Highway 66; then west along State Highway 66 to Haven Avenue; then south along Haven Avenue to 8th Street; then west along 8th Street to East 8th Street; then west along East 8th Street to West 8th Street; then west along West 8th Street to Central Avenue; then north along Central Avenue to State Highway 66; then west along State Highway 66 to North Mills Avenue; then north along North Mills Avenue to the point of beginning.

[58 FR 8521, Feb. 16, 1993, as amended at 60 FR 18728, Apr. 3, 1995; 62 FR 45142, Aug. 26, 1997; 62 FR 47552, Sept. 10, 1997; 62 FR 53225, Oct. 14, 1997; 63 FR 16878, Apr. 7, 1998; 64 FR 31964, June 15, 1999; 64 FR 52214, Sept. 28, 1999; 64 FR 55812, Oct. 15, 1999; 65 FR 26488, May 8, 2000; 66 FR 46366, Sept. 5, 2001; 66 FR 55068, Nov. 1, 2001; 67 FR 62628, Oct. 8, 2002; 68 FR 1362, Jan. 10, 2003; 68 FR 43287, July 22, 2003]

§ 301.93-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area